

From: Paul Cory
To: Microsoft ATR
Date: 1/23/02 4:40pm
Subject: Microsoft Settlement

I object to the proposed Microsoft settlement, on the grounds that it will not effectively inhibit the company's anti-competitive practices. In fact, some of the remedies will actually remove competition from the market. To wit:

"Microsoft will license on reasonable terms the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers. "

This allows Microsoft to charge for its basic networking protocols, shutting out Open Source, volunteer produced software, as well as small ISVs. For example, SAMBA is software that allows non-Microsoft operating systems (linux, Mac OS X, OpenBSD, and so on) to connect with Microsoft servers using the Microsoft protocols. SAMBA is an volunteer, Open Source software product: it has no money to pay license fees, no matter how "reasonable."

To really open the marketplace, the above quoted section should read:

"Microsoft will make the details of the network protocols needed for non-Microsoft applications or operating systems to connect to Windows servers freely available in the public domain in a timely manner. Timely manner means the details will be published publicly six months before such protocols are incorporated into official versions of any Microsoft product."

This would allow anybody, including volunteer projects, to create software to connect to Windows servers. In addition, it prevents Microsoft from delaying the release of the information for competitive advantage.

This is only one example of the many holes, omissions and otherwise questionable provisions of the proposed settlement. A more complete list is available at: <http://www.kegel.com/remedy/remedy2.html> .

If the proposed settlement is accepted in its present form, it will not open the marketplace. It will only serve to improve Microsoft's monopoly position, and leave the customer with less choice and higher prices than before.

Sincerely,

Paul Cory

